



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,687	02/01/2002	Chad Kenneth Hatch	16-092	9651

7590 09/08/2003

WATTS, HOFFMANN, FISHER & HEINKE CO., L.P.A.
P.O. Box 99839
Cleveland, OH 44199-0830

EXAMINER

KRAMER, DEVON C

ART UNIT	PAPER NUMBER
----------	--------------

3683

DATE MAILED: 09/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

10/061,687

Applicant(s)

HATCH, CHAD KENNETH

Examiner

Devon C Kramer

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7 and 9 is/are allowed.
- 6) ☒ Claim(s) 1-6 8 10-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-150)
- 6) ☐ Other: _____.

CHRISTOPHER P. SCHWARTZ
PRIMARY EXAMINER

DETAILED ACTION

Claim Rejections - 35 USC § 102

1) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2) Claims 1-2, 8, 10-19, 27-28, 31-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Ury (4058349).

In reference to claims 1 and 27, Ury provides a one piece pressure protection valve and manifold, comprising: a housing (30) defining an inlet passage (28) and at least three outlet passages (78a, 78, 54); a valve (38) in the housing interposed between the inlet passage and a passage to the outlet passages, the valve being constructed to prevent fluid flow from the inlet passage to the outlet passages when a fluid pressure at the inlet passage is below a predetermined value.

In reference to claims 2, 19, 28, Ury provides the valve with a piston (32) biased toward the inlet by a spring (68) to prevent fluid flow from the inlet passage to the outlet passages when the fluid pressure at the inlet passage is less than the biasing force of the spring.

In reference to claim 8, Ury provides a one piece pressure protection valve and manifold, comprising: a housing (30) defining an inlet passage (28), a plurality of outlet passages (78a, 78, 54), and a vent (54); a valve (38) in the housing interposed between the inlet passage and the outlet passages, the valve being constructed to prevent fluid

Art Unit: 3683

flow from the inlet passage to the outlet passages when a fluid pressure at the inlet passage is below a predetermined value.

In reference to claim 10, Ury provides a one piece pressure protection valve and manifold, comprising: a housing (21) defining an inlet passage (11) connected to a reservoir and at least three outlet passages (213, 214, 216) capable of being attached to a vehicle accessory; a valve in the housing interposed between the inlet passage and the outlet passages, the valve being constructed to prevent fluid flow from the inlet passage to the outlet passages when a fluid pressure at the inlet passage is below a predetermined value. Inherently, pneumatic systems on vehicles have a tank or reservoir.

In reference to claims 11-18, the outlets of Ury are capable of being attached to any pneumatic device on a vehicle.

In reference to claims 31-33, if there is a pressure drop in any of the outlets of Ury the valve would close due to a decrease in the system pressure.

In reference to claims 34 and 35, Ury provides the claimed system.

3) Claims 1-3, 10-19, 27-28 and 31-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Su (6036283).

In reference to claims 1 and 27, Su provides a one piece pressure protection valve and manifold, comprising: a housing (21) defining an inlet passage (11) and at

Art Unit: 3683

least three outlet passages (213, 214, 216); a valve in the housing interposed between the inlet passage and the outlet passages, the valve being constructed to prevent fluid flow from the inlet passage to the outlet passages when a fluid pressure at the inlet passage is below a predetermined value.

In reference to claim 2, 19 and 28, Su provides the valve with a piston (221) biased toward the inlet by a spring (23) to prevent fluid flow from the inlet passage to the outlet passages when the fluid pressure at the inlet passage is less than the biasing force of the spring.

In reference to claim 3, Su provides a vent (215) defined by the housing in communication with the piston.

In reference to claim 10, Su provides a one piece pressure protection valve and manifold, comprising: a housing (21) defining an inlet passage (11) and at least three outlet passages (213, 214, 216) capable of being attached to a vehicle accessory; a valve in the housing interposed between the inlet passage and the outlet passages, the valve being constructed to prevent fluid flow from the inlet passage to the outlet passages when a fluid pressure at the inlet passage is below a predetermined value. Inherently, pneumatic systems on vehicles have a tank or reservoir.

In reference to claims 11-18, the outlets of Su are capable of being attached to any pneumatic device on a vehicle.

In reference to claims 31-33, if there is a pressure drop in any of the outlets of Su the valve would close due to a decrease in the system pressure.

In reference to claims 34 and 35, Su provides the claimed system.

Claim Rejections - 35 USC § 103

4) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5) Claims 4-5, 20-21, 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Su or Ury.

Su and Ury are silent to the pressure at which their valve operates.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the valve of Su or Ury to close on decreasing pressure between 62 and 72 PSIG, and to open on rising inlet pressure between 75 and 95 PSIG since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

6) Claims 6, 8, 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Su or Ury in view of Norgen pneumatics manual.

Su and Ury both teach all of the limitations of claims 1 and 2, including a vent (Su 215, Ury 54) Both Su and Ury lack the teaching of push to connect fittings. Su and Ury are silent to the pressure at which their valve operates.

Application/Control Number: 10/061,687
Art Unit: 3683

Norgen utilizes push to connect fittings in air brake valves. (Page 1 dated 6-14-2002)

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided Su or Ury with push to connect cartridge fittings as taught by Norgen in order to provide a quick and easy means of dismantling the components for service.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the valve of Su or Ury as modified by Norgen to have different sized fittings depending on the amount of air flow needed for the derive the port is servicing since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the valve of Su or Ury to close on decreasing pressure between 62 and 72 PSIG, and to open on rising inlet pressure between 75 and 95 PSIG since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

Allowable Subject Matter

- 7) Claims 7 and 9 are allowed.

Response to Arguments

- 8) Applicant's arguments filed July 11, 2003 have been fully considered but they are not persuasive.

In reference to claims 1-6 and 8, applicant argues that both Su and Ury lack a passage between the valve cylinder and the outlet passages. Please note that any portion of the passages of Ury and Su can be read as being this claimed passage.

In reference to claim 10, applicant argues that Both Su and Ury are silent to the teaching of attaching an outlet to an air powered accessory. Though, the examiner asserts that the valve of both Su and Ury are capable of being attached to any vehicle "accessory" (i.e. air horn), both Ury and Su disclose the outlet being attached to brake which can be considered a vehicle accessory. Please note that both Ury and Su prevent fluid flow when there is not sufficient pressure to overcome the spring force. When the valve or piston of Ury and Su closes, it can be considered to preventing air loss to the brakes.

Conclusion

- 9) **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

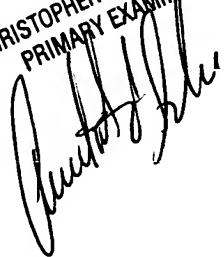
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

Application/Control Number: 10/061,687
Art Unit: 3683

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10) If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-3519 for regular communications and 703-308-3519 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1134.

CHRISTOPHER P. SCHWARTZ
PRIMARY EXAMINER


DK
August 26, 2003